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Contents

List of contributors	<i>page</i> vii
Editorial preface	ix
1 Government and society in England and Wales, 1750–1914	1
PAT THANE	
2 Society and the state in twentieth-century Britain	63
JOSÉ HARRIS	
3 Education	119
GILLIAN SUTHERLAND	
4 Health and medicine	171
VIRGINIA BERRIDGE	
5 Crime, authority and the policeman-state	243
V. A. C. GATRELL	
6 Religion	311
JAMES OBELKEVICH	
7 Philanthropy	357
F. K. PROCHASKA	
8 Clubs, societies and associations	395
R. J. MORRIS	
Bibliographies	445
Index	477

Government and society in England and Wales, 1750–1914

PAT THANE

The theme of this chapter is the manner in which Government influenced the lives of citizens of England and Wales, their behaviour and conditions of life according to which principles and with what effects. A central assumption – widely shared for a substantial portion of the period, most fully developed in the ideas and actions of Peel and Gladstone, though with earlier roots, and most dominant from the 1840s to the 1870s – was that the government's role was at most strictly limited, that it not only should not but could not determine the structure and working of society. Rather its role was to provide a firmly established and clearly understood framework within which society could very largely run itself.

Even in the mid-Victorian period the reality of government action did not wholly match this ideal, but it was widely enough shared at all social levels for government transgression of it long to require justification against challenges. It had distinctive institutional effects. In contrast with most other societies of the period in England and Wales, many of the functions performed by central government elsewhere were, throughout the period, performed by groups of self-governing citizens either on an elective, but unpaid, official basis, as in the various institutions of local government, or through voluntary associations. Though Britain certainly possessed highly effective central government institutions, unlike other European countries she did not develop in the nineteenth century a strong bureaucratic stratum with powerful interests of its own, a strong set of popular expectations of the role of the state or a sense of popular identification with it. Victorian central government involved itself in the lives of its citizens in many ways and had a clear vision of its role, but its methods of, for example, taxing and policing the population were, compared with other societies of the time, indirect and discreet. A range of buffer institutions, both official and voluntary, developed between this

central state and the citizen such that by the 1880s the only agent of the central state whom the provincial citizen could regularly expect to encounter was the benign post office clerk.

Such a system of government was both a product and a reinforcement of a relatively homogeneous and stable society. England in the later eighteenth century had the advantage of being linguistically and geographically far more homogeneous than other European states. After the Act of Union Scotland was increasingly integrated into the British whole. Improved roads, postal communications, an expanding press furthered this integration. The system of government did not emerge without challenge and Victorian society was by no means free from conflict, though compared with much of continental Europe tensions were muted and contained. The flexibility provided by a system of government which was not rigidly centralised or bureaucratised left space for negotiation and rapid adaptation, within limits, in periods of conflict or crisis, such as war.

This approach to government emerged from the somewhat different circumstances of the eighteenth century, and from the 1880s the visible power of the central state grew, as did demands for further growth, although the dominant ideas of the immediately preceding period retained significant force until at least 1914. The state in the late eighteenth and nineteenth centuries went, as it had in previous times, through a continuing process of change and adaptation, not usefully characterised as progress. What was the nature of these changes and how did they come about?

I

Characterisation of the eighteenth-century state is taking on a new but yet not wholly distinct shape in a period which historians are at last bringing excitingly to life. Current interpretations range from its description as: 'an *ancien régime* state, dominated politically, culturally and ideologically by the three pillars of an early modern social order: monarchy, aristocracy, church'¹ to emphasis not only upon its decidedly powerful character but also upon its increasing accommodation to structural change (including rapid population growth, the capitalisation of agriculture and industrialisation) and to the

¹ Publicity handout for J. C. D. Clark, *English Society, 1688-1832* (Cambridge, 1985), quoted in Linda Colley, 'The Politics of Eighteenth-Century British History', *Journal of British Studies*, 25 (1986), p. 369 n. 26.

associated, changing needs and demands of assertive social groups among the prosperous and confident gentry, financiers and other business people, and among the lower orders.

New interpretations are reactions against an older perception of the eighteenth-century state as limited in ambitions and activities, such that 'the work of the British government was virtually restricted to preserving the constitution (which meant doing nothing in home affairs) and conducting foreign policy';² domestic affairs (such as maintenance of law and order, relief of the poor) being seen, in this view, as largely delegated to the local responsibility of landowning elites, in contrast to their conduct by armies, police forces and bureaucracies as in continental autocracies.

It has long been hard to understand how so modest a state could so effectively have achieved victory in a succession of eighteenth-century wars, extended its empire (if with a major loss in North America), acquired extraordinary economic and political power in international terms and maintained domestic harmony in a period of considerable structural change. Assessing the exact nature and extent of the activities of the eighteenth-century state is complicated by the lack of good institutional histories, for example of the influence of the crown or of the House of Lords. But it is clear that in the eighteenth century Parliaments met more frequently and for longer periods than before 1688 and were increasingly, as the century went on, considering more items of national domestic legislation than before, in addition to the local and private bills with which its time has previously been assumed to have been absorbed; that the army was trained and dispersed with the maintenance of order at home at least as much in mind as winning victory abroad (with considerable success on both counts); and (an important indicator and reinforcement of its power) the British state could extract more taxation, more regressive in its incidence, whilst arousing less opposition from its citizens than could its more openly authoritarian European peers. In the 1760s Britain succeeded in appropriating about 20 per cent of the nation's output in taxation, almost twice the comparable French figure.³

The amount of revenue which a government can raise through taxation strongly influences the range of activities it can undertake without risking debilitating debt. The means whereby the British government maximised its revenue through taxation, in comparison with its major

² Colley, 'The Politics of Eighteenth-Century British History', pp. 372–3.

³ *Ibid.*, p. 359.

European rival, is instructive about its methods of government and its relationship with society more generally. Between the mid-eighteenth century and 1810 Britain was able more effectively and flexibly to appropriate an increasing share of rising national income even than Napoleon following his administrative and institutional modernisation of the French state. Yet taxation was a cause of major political crisis in France as it was not in Britain. In Britain direct taxes, including land taxes, were paid by all social groups with no privileged exemptions; they were paid by landowners who passed them on to tenant farmers, labourers, artisans and other tenants in rents and other charges, a form of tax payment which was 'invisible' to the lower orders as direct taxes were not to the independent, *taille*-paying French peasantry. They were levied and assessments made locally by unpaid representatives of the taxpaying gentry and magistracy. This amateur administration minimised corruption and evaded the resentment aroused by the professional collectors backed by the more openly severe legal powers prevalent in France. It was a method of amateur, decentralised but effective administration widely employed by the British state.

Indirect taxes were levied on a wider range of goods in France, directly upon the household by officials with strict powers of enforcement, at levels of incidence which varied regionally. In Britain also officials with strict enforcement powers levied customs and excise duties, which provoked skirmishes on occasion and frequent evasion. But the tax was upon a narrower range of goods, was nationally uniform and levied not upon the purchaser but upon the manufacturer or importer, who passed it on to the consumer for whom, again, the tax was 'invisible' and involved no direct contact with officialdom. The result was a higher tax yield in Britain than in France, efficiently collected by means which strictly contained potential points of conflict.⁴

Nor did British governments risk trouble over matters of taxation by overstepping the limits of consent in this highly sensitive area. The income tax, introduced in 1799, to help pay for the war, which evolved during the war into a reasonably efficient and equitable tax, was summarily ended by Parliament in 1816, against the preference

⁴ P. Mathias and P. O'Brien, 'Taxation in Britain and France, 1715-1810: A Comparison of the Social and Economic Incidence of Taxes Collected for the Central Government', *Journal of European Economic History*, 5 (1976), pp. 601-50.

of the Treasury and of government leaders, but following pressure from landed and other monied taxpayers. It obliged all with incomes above £200 p.a. to declare their income and was regarded as a serious encroachment upon liberty, acceptable in time of war but not of peace.

By the mid-eighteenth century, indeed, England had developed an apparatus of central government comparable with most European states. In addition to the effectiveness of the standing army and of the fiscal system, though it acknowledged no regulatory role over the economy, through the legal system it was the enforcer of business contracts and through private acts of Parliament sanctioned enclosures, dock building, turnpike trusts and canal companies. The mercantilist inheritance remained powerful: British overseas trade was protected and promoted. A complex range of tariffs and prohibitions protected production, notably of corn, timber and sugar. Under a series of ancient statutes labour mobility might be curtailed, wages fixed and crafts protected through regulation of apprenticeship. Unlike in most other European countries the indigent were relieved within the framework of a national poor law, financed through local taxes (rates) and administered very largely in accordance with local needs and preferences.

There are strong indications, then, that the eighteenth-century British state had the will and the capacity to influence the lives of its citizens in a variety of ways, which may explain the increased appetite of members of the landed elite for official employment later in the century. However, it did so by methods markedly less visible than those of its European counterparts, operating through channels which were decentralised though closely linked with central government, and it showed some sensitivity to the dangers of overstepping too far the limits of consent. Compared with other eighteenth-century states, England was unusual in the combination of strength and liberality of its government, the two qualities being mutually reinforcing. The roots of this combination lay in England's long tradition of unusually strong royal government and, compared with much of continental Europe, somewhat weaker feudal nobility, combined with an equally strong indigenous tradition of attachment to 'liberty', popularly believed to be embodied and upheld above all in the common law and by Parliament.

This strong central state was associated with an unusual range of 'free institutions', official and voluntary, enabling local communities to achieve a high degree of self-government within the broad

framework of the law and their representatives to influence the activities of central government. Parliament could and did act as a check upon the actions of crown, ministers (normally resident in the House of Lords) and civil service. Chartered municipalities had considerable independence in the conduct of their local affairs including, often (their exact powers varied with the terms of their charters), extensive judicial powers, both civil and criminal. Unpaid justices of the peace (*ex officio* members of municipal corporations, in the counties nominees of the Lords Lieutenant, approved by the crown, of varied background) had a wide range of powers at the local level. They could arrest and punish offenders for drunkenness, vagrancy, profanity, poaching and much else. They supervised ale-houses, decided bastardy cases and exercised jurisdiction over runaway servants or apprentices. They might fix prices and wages, regulate apprenticeships, order highway maintenance, decide poor law policy (as authorities above the parishes), suppress nuisances, oversee markets, license or ban fairs and amusements, appoint constables, assess rates.

Even in the area of policing the English householder constable system may well have been a more effective force than its professional French equivalent. Poor relief policy was effectively made at parish level by local ratepayers, and administered normally also by ratepayers taking up in rotation the post of overseer of the poor. The practice of poor law administration varied from place to place and over time according to local conditions and pressures. The magistrates' bench could intervene but was not necessarily attended to. Through the eighteenth and early nineteenth centuries, however, Parliament recurrently paid close attention to poor law policy, and changes in the framework of national policy were proposed and discussed, though it felt unable to make major changes before 1834.⁵

Central government had long provided a framework within which local communities provided for their poor. Space also existed for new community institutions to emerge in response to new needs and to obtain government sanction. A striking example is 'the remarkable flowering of initiative in the provision of civic amenities which took place in the late eighteenth and early nineteenth centuries'.⁶

⁵ P. Mandler, 'The Making of the New Poor Law *Redivivus*', *Past & Present*, 117 (1987).

⁶ E. P. Hennock, 'The Creation of an Urban Local Government System in England and Wales', in Helmut Naunin, ed., *Stadteordnungen des 19 Jahrhunderts* (Köln, 1984), p. 22.

Municipal corporations had no tradition of responsibility for regulating and improving the urban environment. As towns grew in the later eighteenth century and environmental problems multiplied, better off citizens did not turn to the existing corporations for improvement measures but established free associations of their own to obtain from Parliament, by means of a petition or local bill, powers to levy a local rate to provide urban areas with street-lighting, stone paving, watchmen, refuse removal and much else. These 'improvement commissioners' existed in urban areas with and without municipal corporations, sometimes in corporate boroughs overlapping in membership with the corporation, but legally distinct.

The belief in local responsibility for local needs was strong, sanctioned, supervised, but not intrusively controlled by central government. Closely associated with it was the conviction that all members of the community possessed certain rights, enforceable at law, including that of subsistence, if not from labour at a fair rate of pay then through poor relief. However weakly, burgesses and landowners felt it their responsibility to uphold these rights and primarily through the agency of the magistracy could do so. Individuals could believe in, and defend, the rights of 'free born Englishmen' – in particular the rights to basic material security, protection from violence, theft and extreme oppression – because the authorities paid sufficient, if far from complete, attention to them to invest them with reality. The courts tended to favour the rich against the poor, but not so invariably as to make freedom before the law a myth. Though the penalties available to the criminal law became more severe during the eighteenth century (many more offences became liable to capital punishment) they were not necessarily more frequently invoked, but rather developed as part of a system of deterrence, in an exemplary manner possible only in a society which broadly accepted the need to protect property and to restrain violence.⁷

Those holding governing responsibility generally did not try to exclude the mass of the population from all participation in the regulation of their own lives. Through the courts, through petition to those in authority, attendance at parish meetings – where even non-ratepayers could influence decisions, on such matters as policing and poor relief policy, customarily reached by acclamation rather than

⁷ J. Brewer and J. Styles, eds., *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (1980).

the vote – through the similar intervention of non-voters in parliamentary elections in which voting was not secret, even the lower orders could express their views and exert some influence. As, still more effectively, could disaffected sections of the gentry and the middling classes aided by their capacity to use an expanding press, to organise public meetings, to vote for and to petition Parliament.

The country was governed through a process of negotiation in which, of course, the sides were strictly unequal and the poorest played least part, but which could avoid severe conflict because the rulers were not wholly cut off from popular aspirations nor the population at any level without hope of redress or the capacity to express grievances. Eighteenth-century society was not 'democratic' in any meaningful sense, but nor was that of the 1900s; what is not plain is that those outside the limited circles directly able to influence government were necessarily or always *more* excluded from negotiation over matters of crucial importance to their lives than they were to become, although major changes occurred in the channels and processes of negotiation.

The combination of strength and overall control by central government linked with decentralised liberal institutions enshrining a strong sense of local community and of the duty to safeguard individual rights within that community created a distinctive type of *ancien régime* state, which was neither a simple expression of social relations, nor an accidental product of historical accumulation, but a partially autonomous creation operating according to clear and widely understood principles.

II

In the last quarter of the eighteenth century, largely in response to the pressures of demographic and economic change and of war, successive governments set about the task of making central government more professional, more efficient and, in relation to the economy, in particular under Pitt, more liberal. Steps were taken to reduce the role of influence and patronage in the civil service. The Treasury was reorganised, sinecures reduced, a new career structure initiated. The first moves were made towards a new conception of 'service' which gave salience to responsibility and efficiency. Government placed more reliance upon expertise and greater specialisation of work in

departments. The Treasury began to emerge as the department crucial to central control of administrative efficiency and financial accountability. The civil service remained small and change was gradual but it became better suited to carrying greater power and responsibility delegated by Parliament.

Associated with the changes was the belief on the part of government that political liberalisation and constitutional reform were unnecessary and undesirable. Rather it was thought that efficient, clear-sighted central government promoting equitable and expedient laws could best promote the nation's prosperity, international position and internal stability. It might effectively and justifiably be led by men of landed background since land, though increasingly diversified and commercialised, stood at the core of capitalist expansion and landowners recognised that governing responsibility lay with them.

The period of the French wars, from 1793, demonstrated the effectiveness of the central state apparatus in its successful conduct of the war administration and of war finance. The costs of war, its organisational demands and, not least, the fear in elite circles of the spread of the revolutionary contagion from France brought about changes in the structure and activities of government, difficult though these influences are to disentangle from those of the significant economic, demographic and social changes of the twenty-two years of war. Most clearly, fears of political upheaval drew the government into a more overtly interventionist role than was customary in peacetime with the suspension of Habeas Corpus in 1794 and 1798, the Treason and Sedition Act, 1795, the Unlawful Oaths Act, 1797, the Corresponding Societies Act, 1799, the Stamp Duties Act, 1796, restricting circulation of the press, all designed to prevent or silence organised opposition. In the absence of systematic comparisons with other eighteenth-century wars, however, it is not clear that the government did impose stricter controls in this war. It was, for example, standard practice to suspend Habeas Corpus in wartime.

Social questions continued to be addressed at central and local level in wartime. Demographic pressure combined with rising food prices caused a crisis for the rural poor law, for which parishes and justices devised a variety of responses in accordance with local pressures and needs, most commonly parochial employment of paupers, or a labour rate, or variants on the Speenhamland provision (initiated in 1795) of relief in proportion to size of family and the price of bread. In the prosperous war years landowners could, more willingly than they

were always inclined, afford to acknowledge the rights of the poor to subsistence.⁸

At parliamentary level investigative select committees proliferated, some in response to organised pressures, producing some legislation, notably the abolition of the slave trade in 1807 and the Health and Morals of Apprentices Act in 1802. Equally notable was the inability to enforce the latter attempt to improve the conditions of cotton factory children. Enforcement was placed in the hands of local magistrates and clergy, provided that they were not themselves mill owners, with exiguous effects. Effective enforcement was impossible through existing machinery in the absence of consent from powerful groups materially affected by the legislation. Government was unwilling to incur disapprobation by developing new machinery for enforcement except under urgent pressure, which was, in this case, absent.

Public order remained a problem after the war, from the Pentridge rising of 1815 to Peterloo in 1819, fuelled by postwar unemployment, demographic pressure, the ebbs and flows of a still unstable industrialism, fluctuations in the economically dominant agricultural sector and the effects of a rapid, government-guided deflation which appeared unduly to favour the rich. Habeas Corpus was once more suspended in 1817; the Six Acts followed Peterloo. At the local level justices mollified expressions of discontent where they could, applied summary punishment where they could not; maintained, with the parishes, a flexible if never generous poor relief policy; encouraged the increased use of imprisonment of offenders; and sought to pacify or to destroy the centres where the lower orders made the associational links which could turn to discussion of grievances: beer places, fairs, Guy Fawkes celebrations, prize fights, footraces, cockfights were more strictly policed, controlled, pacified or banned, though not everywhere or without opposition.⁹ The other side of the controls was the further official and unofficial encouragement of virtue through, for example, the formation by local social leaders of voluntary institutions (such as Sunday schools or friendly societies) for those below them, attempting, not always successfully, to substitute 'rational' for turbulent recreation, channels for exhortation to stability, responsibility, sobriety and hard work.

Against this background, following the temporary derangement brought about by the war, the moves of Pitt and his contemporaries

⁸ Mandler, 'Poor Law', pp. 134-5.

⁹ R. D. Storch, ed., *Popular Culture and Custom in Nineteenth-Century England* (1982).

towards more professional, and economically liberal, if politically authoritarian, government were carried forward by the 'liberal Tory' governments of the years after 1815. Underlying and promoting change in this direction was a changing approach to the role and theory of government which achieved increasing support in aristocratic, gentry, government and business circles in and out of Parliament. Its theme was further reconstruction of the powers of Parliament, executive and party with the aim of reducing them to the provision of a framework within which individuals and free institutions could operate with maximum safety and freedom. Government should maintain but modernise and streamline its irreducible public order and foreign policy functions whilst stripping away the great pre-modern weight of intrusive legislation, custom and regulation especially in relation to economic activity and the remaining bureaucratic inefficiency and corruption. In their place should be constructed mechanisms which would emulate and assist, or at least not impede, the automatic mechanism of the 'natural order' which was believed to lie beneath and to be impeded in its beneficial working by the unnecessary superstructure created over the centuries. Thus liberated individuals and the economy would be freed to achieve optimal fulfilment of their potential. Society would be freed from the shackles of customary rights, the elite of their responsibility for enforcing them. In this view the maximisation of the freedom of the individual to enjoy his property and the development of his intellect and aptitudes in a framework provided by minimal, efficient and undemocratic government was more important, a more certain guarantor of 'liberty', than the extension of political rights currently being demanded by constitutional reformers.

The theory of government could be and was sustained by selective reading of political economy and utilitarian thought. Equally importantly in a period when political and religious thought were a unity in most minds and evangelicalism was becoming a major medium through which members of powerful social groups constructed their understanding of a changing world (as Methodism was for many of the lower orders), evangelicals could equate the 'natural order' with the workings of Providence.¹⁰ Moral and material rewards would come to individuals and to society as a whole in return for the exercise

¹⁰ Boyd Hilton, 'The Role of Providence in Evangelical Social Thought', in D. Beales and G. Best, eds., *History, Society and the Churches* (Cambridge, 1985).

of responsible independent activity. Human constructs like constitutions risked interference with this natural order which provided the only secure basis for social stability and progress. Such a theory competed with older ideas of rights and responsibilities and even those who embraced it were not in agreement as to the desirable role of central government. Hence the boundaries between the permissible activities of the strong central state and those of free institutions and individuals, between public and private spheres of activity, were at the core of political contention throughout the nineteenth century as the state went through the long process of adaptation.

The repeal in 1815 of the ancient Assize of Bread, whereby prices of bread and ale could be controlled through the courts, following a select committee recommendation that 'more benefit is likely to result from the effects of free competition',¹¹ was accompanied by the introduction of the Corn Law in the same year, protecting a powerful economic interest. Interest in constitutional reform was limited in government circles, but the Sturges Bourne Select Vestries Acts of 1818 and 1819 were moves towards the equation of political participation with property rights. Whereas previously all ratepayers had held votes of equal weight, where select vestries were formed ratepayers were granted between one and six votes according to weight of property.

It was in the 1820s that a strategy of constructing a minimal but firm regulatory state within which a free economy and free individuals could flourish clearly took precedence in government circles. The movement towards liberalisation of the economy was most evident under the Tory governments of the mid to late 1820s. Huskisson, Peel and their colleagues operated in the belief that it was both useless and immoral for governments to try to rescue economic victims whether they were bankrupt capitalists or unemployed handweavers (in 1826 Peel refused financial relief to companies which had crashed). It was useless because the government's effective powers of intervention were extremely limited; immoral because economic actors who failed were deemed not to have exercised conscience in their commercial dealings. Rather, by dismantling ancient restrictions on trade, reducing the range of protective duties, beginning the construction of a system for regulating the conduct of banking and the supply of money, enabling joint stock companies to be formed by, in 1825,

¹¹ Quoted in John Burnett, *Plenty and Want: a Social History of Diet from 1815 to the Present Day* (Harmondsworth, 1968), p. 111.

repealing the Bubble Act, the government could provide a framework which more effectively supported and facilitated hard work and fair dealing.

In home affairs Peel at the Home Office (1822–7, 1828–30) initiated the reconstruction of the government's public order role, substituting the strict interventionism of his Tory predecessors and their use of espionage and *agents provocateurs* with 'preventative police' designed not to impose blanket controls upon all citizens but to identify and punish actual transgressors, combining maximum freedom where possible with strict force where necessary. The Metropolitan Police Force was founded in 1829 under the direct control of the Home Secretary; the strength of hostility to central authority and of support for local autonomy was such that a national force could not be created for the remainder of the country, which for the time being retained established systems of policing. Peel also reduced the number of capital and other offences, but encouraged more rigorous enforcement of penalties for those which remained.

The right to form trade unions (in the eyes of this government an acceptable means whereby men protected their property in their labour, provided that they did so peaceably) was restored in 1824 and 1825 following its withdrawal in the panic years of the war, and other wartime restrictions upon freedom of speech and association were lifted.

But the Tories set their faces against 'useless' constitutional reform and such social intervention as factory reform. 'Peel's objective, indeed, was to show that fiscal liberalism was possible without political reform; equality of opportunity should be the gradual result of fiscal measures not the result of deliberately pursued programmes of social and political reform.'¹² They had, however, underestimated popular support for customary rights and the reality of fears of the consequences of their withdrawal without provision of convincing safeguards for individuals liberated into the marketplace. The Tory approach strengthened demands for constitutional reform, above all reform of a Parliament which was seen as abandoning its role as guardian of popular liberties and, rather, sanctioning retrenchment upon them. The outcome was the upheavals of 1830–2, the return of the Whigs and the Reform Act of 1832.

¹² H. C. G. Matthew, *Gladstone, 1809–1874* (Oxford, 1986), p. 172.